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10 **BEFORE THE**  
**BOARD FOR PROFESSIONAL ENGINEERS**  
**AND LAND SURVEYORS**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 903-A

14 **KENNETH LEROY MELEEN**  
15 **5893 Arboretum Drive**  
16 **Los Altos, California 94024**  
17 **Civil Engineer License No. C17487**  
**Geotechnical Engineer License No. GE 588**

**A C C U S A T I O N**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. David E. Brown (Complainant) brings this Accusation solely in his official capacity  
23 as the Executive Officer of the Board for Professional Engineers and Land Surveyors ("Board").

24 2. On or about December 15, 1967, the Board issued Civil Engineer License Number  
25 C17487 to Kenneth Leroy Meleen (Respondent). The Civil Engineer License was in full force  
26 and effect at all times relevant to the charges brought here and will expire on June 30, 2011,  
27 unless renewed.

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1           3.     On or about September 9, 1987, the Board issued Geotechnical Engineer License  
2     Number GE 588 to Respondent. The Geotechnical Engineer License was in full force and effect  
3     at all times relevant to the charges brought here and will expire on June 30, 2011, unless renewed.

4                                   **JURISDICTION**

5           4.     This Accusation is brought before the Board for Professional Engineers and Land  
6     Surveyors, Department of Consumer Affairs, under the authority of the following laws. All  
7     section references are to the Business and Professions Code unless otherwise indicated.

8           5.     Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove,  
9     privately or publicly, may suspend for a period not to exceed two years, or may revoke the  
10    certificate of any professional engineer registered under this chapter:

11                . . . .

12               "(c) Who has been found guilty by the board of negligence or incompetence in his or her  
13     practice.

14               "(f) Who aids or abets any person in the violation of any provision of this chapter.

15               "(h) Who violates any provision of this chapter."

16           6.     Section 6735 states, in pertinent part, that all civil engineering plans, calculations,  
17     specifications, and reports shall be prepared by, or under the "responsible charge"<sup>1</sup> of, a licensed  
18     civil engineer.

19           7.     Section 6749(a) states, in pertinent part, that a professional engineer shall use a  
20     written contract when contracting to provide professional engineering services to a client. The  
21     written contract shall be executed by the professional engineer and the client, or his or her  
22     representative, prior to the professional engineer commencing work, unless the client knowingly  
23     states in writing, that the work may be commenced before the contract is executed.

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26                <sup>1</sup> The term "responsible charge" relates to the extent of control a professional engineer is  
27     required to maintain while exercising independent control and direction of professional  
28     engineering services, and to engineering decisions which can only be made by a professional  
   engineer, as more fully described in Title 16 California Code of Regulations, section 404.1.

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

9. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

**FIRST CAUSE FOR DISCIPLINE**

**(Negligence/Incompetence)**

10. Respondent is subject to disciplinary action under section 6775(c) in that on or about May 17, 2004, and April 26, 2005, Respondent provided civil engineering/environmental consulting (oversight/review) services for Allterra Environmental and/or Geo Environmental Technologies (GET), without a written contract. In the course of providing consulting services, Respondent admittedly signed and sealed completed engineering documents and reports written primarily by two unlicensed persons employed by and/or doing business as Allterra and/or GET, for work performed at 1650 Monument Boulevard, Concord California and/or 498 South Fourth Street, San Jose, California, without analyzing, reviewing, understanding, being associated, and/or having any involvement in the work product. Respondent's conduct constitutes negligence and/or incompetence within the meaning of section 6775(c).

## SECOND CAUSE FOR DISCIPLINE

**(Aiding and Abetting Unlicensed Persons)**

11. The allegations of paragraph 10 of the Accusation are re-alleged and incorporated by reference as if fully set forth.

12. Respondent is subject to disciplinary action under section 6775(f) in that by signing and sealing completed engineering documents and reports written by two unlicensed persons doing business as Allterra and GET, while not an employee, owner, or officer of either company, he allowed his license to be used by unlicensed persons, with the intent to evade the provisions of the Professional Engineers Act.

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4. Taking such other and further action as deemed necessary and proper.

DATED: 4/13/10

*Original Signed*

DAVID E. BROWN  
Executive Officer  
Board for Professional Engineers and Land Surveyors  
State of California  
*Complainant*

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